

Lamprey Water Management Planning Area committee Meeting

January 8, 2009

Raymond Fire Department

1:00 pm – 4:20 pm

Members Present:

Thomas Fargo, Chairman
Wesley East
Ray Konisky
Therese Thompson
Rep. Judith Spang
Jamie Fosburgh
David Cedarholm
Glen Caron

Members Absent:

Brian Giles, Vice Chairman
Frank Reinhold
Kevin Webb
Michael Lynch
Ann Caron
Sen. John Barnes, Jr
Rep. Frank Bishop
James Duprie
Linda Fernald

Others Present:

L. Mike Kappler, State Rep.
Michael Metcalf, Underwood Engineering
Richard Snow, Lamprey River Watershed Assoc.
Ed Wojnowski, Town of Newmarket
Dennis McCarthy, Raymond PWD
Carolyn Matthews, Raymond Planning Board
Sean Greig, Town of Newmarket
James Emery, Emery & Garrett Groundwater
John Brooks, Emery & Garrett Groundwater
Eileen Miller, Lamprey River Advisory Comm.
Sharon Meeker, Lamprey River Advisory Comm.
John Pless, dam manager, Nottingham
Paul Chamberlin, UNH

Contractors:

Al Larson, Normandeau Associates
Lee Carbonneau, Normandeau Associates
Piotr Parasiewicz, Rushing Rivers Institute

DES Staff – Watershed Management Bureau:

Wayne Ives, DES Instream Flow Specialist
Steve Couture, Rivers Coordinator
Mary Power, Executive Secretary– NH DES– NH Coastal Program

Wayne Ives opened the meeting at 1:00 PM.

Reintroductions and acceptance of minutes.

Mr. Ives began by giving a brief history of the program, which started in February of 2004. Initially they interviewed and reviewed potential candidates who would conduct the study. The candidates' proposals were scored based on specialized experience, personnel and project approach and the unanimous choice was the

current team. The review committee consisted of two members of the technical review committee, Ron Rayner and Ralph Abele; two members of the Lamprey committee, Bob Levesque and Kevin Webb; and two members from DES, Paul Currier and Ives himself.

In November of 2006 the Technical Review Committee reviewed a task four report which described the protected entities on the Lamprey and the methods that were going to be used to assess flows for those protected entities. He then spoke about task five that was to actually do the assessment and develop an in-stream flow report which will be presented at the public hearing. They will distribute the report on CDs with no hard copies except for at the libraries at Durham and Lee and at DES in Concord. CDs will be available at the above listed libraries and at DES in Concord.

He continued by listing the steps in the process. The public hearing is being held on Jan. 14, 2009 at the Lee Safety Center, 20 George Bennett Road in Lee for public comments and written comments which are due before Feb. 13, 2009 to make appropriate revisions to the report. It then becomes the official Protected In-Stream Flow Report for the Lamprey Designated River and it's contributing watershed. That report then goes to the commissioner for his approval and that approval establishes the protected flows as water quality standards for the Lamprey Designated River. The next step is the Water Management Plan which will implement the protected flows that were developed in the report. It includes plans for each individual effected water user and effected dam owner greater than ten acres of impoundment or water users that use 140,000 gallons a week. They will have a water or a dam management plan tailored to them and coordinated with them so that DES can implement the protected flows established in the report. Ives said the presentation today will be shown at the public hearing and it describes the components that are included in the report, what they did, how they did it and the results; the entire nuance of the work that has been done. It is an overview of the processes and the results.

Ives asked for a motion to accept the draft minutes from the last meeting. A motion was made to accept the draft minutes and it was seconded. Mr. Ives called for a vote and all agreed. Minutes are final and are available at: <http://des.nh.gov/organization/divisions/water/wmb/rivers/Instream/lamprey/wmpa.htm>

Presentation on Lamprey Proposed PISFs and questions. NAI

Mr. Ives asked Al Larson from Normandeau Associates to do the presentation. Members asked to add comments before the presentation began.

Comments/Questions from members and audience:

Member Wesley East stated that he would like the group here today to know and that it be stated at the public hearing that the Technical Review Committee did not agree completely with the report but passed it on to legislation for expedience. They do not believe it is completely accurate yet. Wayne Ives said that committee voted to move it forward to the public though they did have some concerns that they wanted to address in a letter but they are still trying to define what the letter is going to say. An audience member asked who was on the TRC and stated that he noticed typographical errors, editorial mistakes and incomplete sentences and he wonders if the TRC had an opportunity to read it over carefully. Ives said it was left open for their comments from Sept. until now and they continue to review it. The Souhegan process remained open for a year and they continued to review it. One of the complaints was that the process takes too long so they decided to move it

forward. Discussion followed. A question was voiced about who would be qualified to advise on this highly technical document. Ives explained that this is a pilot program so the concerns that the TRC had for the Souhegan led DES to develop a third-party review process through the In-Stream Flow Council which included members from Fish and Game from throughout the nation and parts of Canada and other countries who are conversant in both fisheries management studies, statistics and incremental flow studies. We have people who have strengths in the critical parts of assessing protective flows in these rivers and are available to do a final, independent review of the in-stream reports. Mr. Ives continued by saying that review will be going on at the same time that the yearlong review process of the pilot results is on-going. Additionally, after a year of implementation we have to go back to the legislature to describe to them when we think should happen with the pilot studies and whether we should continue with what we have or revise them and make changes so that the process is working the way the stakeholders feels it ought to. He summarized by saying there will be a couple of sets of further review beyond this. Contractor Al Larson of Normandeau Associates encouraged everyone to submit comments via email to him with as much detail as possible. They will address the concerns.

Presentation by Normandeau resumed.

Al Larson spoke about the project and went through a power point presentation. Audience member asked if it is possible to maintain a natural flow paradigm with man-made dams in place. Mr. Larson said the ideal process would be that man-made dams would have flow going through them that is commensurate with the flow coming into the impoundment. It can be done with man-made dams in place but would need to be managed cooperatively. Discussion followed. Presentation resumed.

An audience member asked about an area depicted on one of the slides in the presentation as a natural area. He asked why it would be remediated next year if it is a natural condition. He asked if it is purely model dependant. He commented that if the reduction in flow is due to too many withdrawals upriver then that is one thing but these issues are nature and they were happening for 100 years before it was decided to manage the river. Ives said it is something that should have been talked about during the Technical Review meetings over the last months. Piotr Parasiewicz of Rushing Rivers Institute said that it is a natural condition. They performed analysis of natural conditions and based on the findings they determined that it is not a naturally occurring condition. They propose management to prevent propagation of unnatural conditions that may be damaging. Audience member reiterated that the red area is model dependant. Mr. Ives said the group chose to use this model and reiterated that it is a Technical Review Committee issue and that this meeting is specifically for the presentation by the Normandeau.

Mr. Larson resumed the presentation by saying the comment period begins at the public hearing scheduled for Jan. 14th so if there are disagreements about data or if you see that there are other sources of information that they have missed, this is the opportunity to comment on that. Audience member asked how their comments will be responded to and how the contractors would handle if their response doesn't satisfy the public's concerns. Mr. Larson said there is a parallel document that is being prepared and it will be posted on the DES website. They will chronologically catalog all the comments and the responses and make them available to the public. Some of the outstanding issues may not be able to be resolved but there is a process by which they will be recognized.

Larson then resumed the power point presentation and spoke about the three recreational resources that were noted as important for supporting designation in 1990; boating, fishing and swimming. He said they did evaluate swimming and recreational boating but did not look at recreational fishing.

Recreational boating surveys found that paddlers enjoy the lack of noise and the beautiful surroundings. Lack of development was cited as an advantage. The most popular sections used for swimming are impounded by dams or bedrock falls but swimming conditions are dependent on multiple variables and a specific Instream flow value cannot be established. However it has been established that the minimum flow for recreational boating should be somewhere around 249 cfs and, based on field crew observations, a flow of 275 cfs is necessary for whitewater recreational boating.

Lee Carbonneau spoke about riparian plant communities and associated flora and fauna. Discussion followed.

Mr. Parasiewicz spoke about the fish species that were selected for the habitat portion of the modeling and continued into the effective habitat for fish. He spoke about flow thresholds: common flow versus rare flows and fish PISFs.

Mr. Larson spoke about public water supply and the legislated use of waters and UNH's Section 401 Certificate restrictions.

Audience members continued to question the methods. Mr. Larson reiterated that they should submit their comments to him via email. alarson@normandeau.com

Adjourned 4:20 PM